

**KANSAS ADVISORY COMMITTEE TO
THE U.S. COMMISSION ON CIVIL RIGHTS
MEETING MINUTES**

February 22, 2017

The Kansas Advisory Committee to the U.S. Commission on Civil Rights convened via teleconference on Wednesday February 22, 2017 to discuss completion of the voting rights study begun by the previous Advisory Committee, and to discuss other topics of civil rights concern in the state for future Committee study.

This meeting was recorded and open to the public from 12:00 PM to 1:00 PM CST.

Committee members present:

- Edwards, Mildred (Chair)
- Perucca, Kirk (Vice Chair)
- Brien, Russell
- Gieber, Steven
- Hodgesmith, Martha
- Holt, Ronald
- Lambert, Kristy
- Ng, Jennifer
- Nolan, Phyllis

Committee Members Absent:

- Dodd, Mark
- Unoke, Ewa
- Vega, Gabriela

USCCR staff present:

- Wojnaroski, Melissa (DFO)
- Sanders, Corrine

Members of the public present:

- Mah, Ann (KS House of Representatives)
- Levine, Sam (The Huffington Post)

Meeting Notes/Decisions Made

I. Welcome and Roll Call

- a. The Chair provided the welcome and took roll call of members present. A quorum was established.

II. Approval of Minutes: January 20, 2017

- a. Phyllis Nolan moved to approve the Committee meeting minutes from January 20, 2017 as drafted (attached)
- b. Kirk Perucca seconded the motion, and the motion passed unanimously by a voice vote.

- III. Update: Seclusion and Restraint of Children with Disabilities in KS Schools
 - a. Committee member Steven Gieber recently presented the Committee's 2015 report on Seclusion and Restraint of Children with Disabilities in Kansas Schools to the Kansas House Corrections and Juvenile Justice Committee.
 - b. The Kansas House Corrections and Juvenile Justice Committee had been considering a bill that would allow additional school staff to use whatever mechanical device they wanted to restrain children (Kansas HB 2243)
 - c. HB 2243 was defeated for the present time. Committee member Steven Gieber provided the Committee with an overview of the legislation and his testimony as it related to the Committee's previous work.
- IV. Review of the Committee's Draft Report: Civil Rights and the Kansas Secure and Fair Elections Act.
 - a. Committee members reviewed a completed draft report on their study of Civil rights and the Kansas Secure and Fair Elections Act. (see attached)
 - b. Kirk Perucca moved to approve the report for publication with the following amendments:
 - i. Non-substantive editorial corrections submitted by Kristy Lambert to be included.
 - ii. Any required revisions resulting from the report's Legal Sufficiency Review to be included.
 - c. Martha Hodgesmith seconded the motion and the motion passed unanimously by a voice vote.
- V. Project concepts
 - a. The Committee reviewed a revised project concept drafted by Committee member Jennifer Ng, which combined the two project concepts related to education funding discussed at the previous meeting into one (attached).
 - b. Discussion: The Committee continued discussion on whether to focus their study on the amount of funding available for public education in KS or the use/distribution of those funds.
 - i. It was noted that the overall level of funding is currently being explored at the national level and in the legislature
 - ii. Potential areas of study:
 - 1. Look specifically at where funding has been cut and who has been affected? (for example, how many paraprofessionals were available to support students with disabilities 5 years ago v. now.)
 - 2. Focus specifically on funds to address the achievement gap and funds for students with disabilities –

- a. Are funds intended for these purposes being used appropriately?
 - b. Are funds intended for these purpose effective?
 - 3. Keeping the topic broad might allow the Committee more flexibility in their study, to include both overall funding levels and funding allocations/use as long as it is still tied to disparate impact and the Committee's civil rights mandate.
- c. The Committee would like to invite the following individuals to an upcoming Committee meeting to provide further insight on state funding concerns to help target the Committee's inquiry:
 - i. Dale Dennis, Deputy Commissioner of the KS State Department of Education (Mildred Edwards to reach out)
 - ii. Someone from the U.S. Department of Education Office of Civil Rights (TBD, USCCR staff to reach out)

VI. Public Comment

- a. Ann Mah expressed support for the Committee's report on Voting Rights and the Secure and Fair Elections Act
- b. Ann Mah, former State Representative, is currently a member of state school board. She offered the following comments regarding the Committee's forthcoming education funding study:
 - i. The Kansas Supreme Court is expected to rule in the next few weeks regarding the adequacy of school funding.
 - ii. There has already been a ruling and subsequent revisions regarding the equity of school funding.
 - iii. In the last two years governor and legislature eliminated the old school funding formula which took into account various special needs (rural, transportation, at risk, bilingual) and went to a block grant
 - 1. This change cut overall school funding (but not special education)
 - 2. It may appear that the overall funding went up because of "accounting gimmicks" – such as including retirement accounts and some state and local funding that had not been included in state funding totals before.
 - 3. A new funding formula is currently under consideration
 - iv. Before the block grant there was a factor related to poverty in the school funding formula; it's also a factor in several of the new formulas under consideration.
 - v. The Committee may wish to look at why the federal government made a special education mandate without ever funding it, which puts an extra burden on the states.

VII. Future Plans and Actions

- a. USCCR staff will poll Committee members to determine availability for the next meeting.
- b. The Chair will reach out to Dale Dennis, Deputy Commissioner of the KS State Department of Education, to invite him to participate in the next meeting.
- c. USCCR staff will reach out to the U.S. Department of Education Office of Civil Rights to request a representative at the next meeting.

VIII. Adjournment

- a. Meeting adjourned 1:05pm CST